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10 Attorney for Plaintiff
11 DONNA MATHEWS

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 DONNA MATHEWS,
16
17 Plaintiff,

18 vs.

19 PAN AMERICAN LIFE INSURANCE
20 COMPANY; and DOE 1 through Doe 20,
21 Inclusive,

22 Defendants.
23 _____/

No. C 07-02757 SBA

DECLARATION OF DAN
MCCASKELL IN OPPOSITION TO
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

Date: June 10, 2008
Time: 1:00 p.m.
Ctm: 3

24 I, Dan McCaskell, Ph.D. declare:

25 1. I am a Certified Vocational Evaluator, a Certified Rehabilitation
26 Counselor, and a Certified Medical Case Manager. I am an expert in vocational rehabilitation, and
27 have qualified as an expert witness on that subject in both state and federal courts. A true and
28 correct copy of my curriculum vitae is attached hereto as Exhibit A.

2. I have been retained as an expert witness in this case by counsel for
Plaintiff.

3. In forming my expert opinions in this matter, I met personally with the
Plaintiff, Donna Mathews. I interviewed her and performed certain tests. I tested her dexterity

1 with the Purdue Peg Board test. I tested her rate of manipulation with the Minnesota Rate of
2 Manipulation test. I also had Ms. Mathews take the Career Building Placement Survey (CAPS)
3 Testing.

4 4. I forming my expert opinions in this matter, I reviewed Ms. Mathews'
5 medical records from Napa Valley Family Medical Group, Santa Rosa Imaging Medical Center,
6 St. Helena Physical Therapy, Andrew G. Alexander, M.D., Elden Eichbaum, M.D., Marko
7 Bodor, M.D., and Well Springs Physical Therapy, as wall as the report of Elaine Date, M.D.,
8 who I understand is a doctor selected by Pan American Life Insurance Company.

9 5. I also reviewed certain records from the California Department of
10 Rehabilitation pertaining to Ms. Mathews, including her Rehabilitation Plan with an employment
11 goal of a registered nurse-BSN.

12 6. I also reviewed Ms. Mathews academic transcripts from Santa Rosa Junior
13 College and from Sonoma State University.

14 7. I also researched the occupational requirements for occupations in the
15 nursing field and for dental hygiene. The US Department of Labor, Dictionary of Occupational
16 Titles provides information on physical and mental requirements of various occupations. Dental
17 hygienist, for instance, requires frequent reaching, handling and feeling. Frequent is described as
18 two-thirds of the workday or 6 out of 8 hours. Dental hygienist is a sedentary job requiring lifting
19 above 20 pounds occasionally and frequently 10 pounds. Nursing occupations generally range
20 from medium lifting to sedentary occupations. The sedentary nursing occupations requiring the
21 least use of upper extremities include Nurse Consultant; Registrar, Nurses Registry; and Director,
22 Nurses Registry. Each of these nursing occupations is listed with the following physical
23 requirements: reaching - occasionally; handling - occasionally; fingering - occasionally; strength -
24 sedentary.

25 8. In my expert opinion, based upon my review of her records, the testing I
26 performed on her, my meeting with her, and my research regarding occupational requirements,
27 Ms. Mathews is disabled from working as a dental hygienist. Nursing is an appropriate field for
28 Ms. Mathews. Following vocational rehabilitation, Ms. Mathews will be able to perform the

1 occupations of Nurse Consultant; Registrar, Nurses Registry; and Director, Nurses Registry.

2 9. In my expert opinion, Ms. Mathews has a strong likelihood to successfully
3 complete vocational rehabilitation into the nursing profession. She appears strongly motivated.
4 There are significant transferable skills from dental hygiene to nursing. Scheduling, clinical and
5 laboratory findings are similar. Academic success would be expected based on the aptitude
6 testing, as she tested at the average and superior range in terms of aptitudes on the CAPS. Her
7 academic transcripts to date show her receiving all As and Bs, further confirming that the aptitude
8 testing was an accurate predictor of success.

9 10. I reviewed labor market information through the occupationally outlook
10 handbook and considered the labor market opportunity for nurses. Nursing is a demand
11 occupation, meaning that there is always greater demand for nurses than there are nurses to fill the
12 job opening up.

13 11. In my expert opinion, vocational rehabilitation is appropriate for Ms.
14 Mathews. Nursing is an appropriate choice for her vocational rehabilitation.

15 12. If called as a witness, I could and would testify competently to the
16 foregoing.

17 I declare under penalty of perjury under the laws of the State of California and the
18 United States that the foregoing is true and correct.

19 Dated this 14th day of May at Santa Rosa, California.

20
21 /s/
22 Dan McCaskell, Ph. D.
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